

TO THE MEMBERS OF THE SENATE, SIXTY-THIRD LEGISLATURE,
REGULAR SESSION, STATE OF TEXAS:

Pursuant to the provisions of Article IV, Section 14 of the Constitution of the State of Texas, I herewith return to you S. B. 130 unsigned for the following reasons:

For the past 100 years the police officers of the railroad companies have protected their owner's property in an exemplary manner, and during recent years, these officers have rendered valued assistance to the commissioned peace officers of the state, many times without request from the peace officers, and on the railroad police's own initiative. The citizens of Texas have every reason to be grateful to the railroad police for their excellent work.

Now, because of an increase in cargo theft and other crimes committed against the railroads and their consigned property, the railroads have sought to obtain the designation of "peace officers" for their railroad policemen. It may well be that the increase in crimes against common carriers justifies additional protection to them and their cargo, and a conference on the subject of cargo theft will be held here in the near future to evaluate the extent of that problem and to recommend solutions.

The peace power, however, is inherent in the state and its various political subdivisions and agencies and this power ought not to be delegated to the control of private industry no matter how great the need. Instead, if the need is great, it is incumbent upon the Legislature and other public bodies to provide the necessary public forces to protect private industry and the people. This has been our Texas tradition in the past. Surely, a force trained by, and under the control of, the Department of Public Safety can be created to fulfill this need, always again, as a "public" function.

Under this bill, for the first time citizens of Texas would be subject to arrest by peace officers who were responsible to a private corporation. In addition, the bill itself does not limit the number of such "private" peace officers, but leaves this to the discretion of the

management of the various corporations.

Further, this bill would set a precedent for commissioning "private" rather than "public" peace officers. In all probability future legislatures would be called on to increase the number and types of corporations that could maintain "private" peace officers with the power of arrest. In these difficult times the number of legitimate, responsible business corporations who could show themselves equally entitled to this type of protection are numerous. I do not believe that we can depart from the concept of peace officers as public officials protecting the public.

For these reasons, I have exercised my constitutional right to disapprove of this legislation; accordingly, I am returning Senate Bill 130 to the Senate, unsigned.

Dolph Briscoe
Governor of Texas